

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Richard and Susan D'Arezzo,

Petitioner-Appellant,

v.

Delaware County Board of Review,

Respondent-Appellee.

ORDER

**Docket No. 10-28-0242
Parcel No. 220-29-02-001-69**

On July 15, 2011, the above captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board under Iowa Code 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellants, Richard and Susan D'Arezzo, were self-represented and requested the appeal take place without a hearing. The Delaware County Board of Review designated Delaware County Attorney John Bernau as its legal representative. The Appeal Board having reviewed the entire record, and being fully advised, finds:

Findings of Fact

Richard and Susan D'Arezzo, owners of a residentially classified property in Delaware County appeal from the Delaware County Board of Review regarding the 2010 property assessment. The D'Arezzo's appeal their property located at 26315 232nd Avenue, Delhi, Iowa. The improvements include a 672 square-foot manufactured home with a pier foundation, built in 1970, and rated as "below normal" condition. The property has two bedrooms and one bath. There is a 192 square-foot wood deck. The improvements are on leased land resulting in no land allocation in the assessment. The January 1, 2010, assessment was \$6900. This was a change from the 2009 assessment.

The D'Arezzos protested their assessment to the Delaware County Board of Review. In a letter to the Board, they stated the improvements, which are on leased land, were purchased by them for

\$3200 in May 2008. They also note they only occupy the property between May and October because the water supply and improvements have not been winterized. Additionally, they provided three properties they contended were similar to their property, yet assessed for less than what their property was assessed. Essentially, they asserted their properties assessment was not equitable with that of like properties under Iowa Code section 441.37(1)(a).

The Board of Review reduced the assessed value to \$6500.

The D'Arezzos then appealed to this Board, reasserting their claim of inequity. They assert the correct value should be \$5300.

The D'Arezzo's did not provide any new evidence. In a letter attached to their appeal, Richard D'Arezzo refers this Board to their original protest. In that protest he listed three properties, and provides the Property Identification Number (PIN), year built, dimensions, property type (mobile home) and "value." We assume the value referenced is the 2010 assessed value for each of the three properties.

The D'Arezzos information is presented as follows:

	PIN #	Year Built	Improvement Dimensions	Assessed Value
Subject	000-220-29-02-001-69	1970	12 x 56	\$6900 ¹
Comparable 1	000-100-15-00-019-09	1972	12 x 60	\$500
Comparable 2	000-220-34-00-003-09	1977	14 x 60	\$2900
Comparable 3	000-240-10-00-007-00	1972	12 x 56	\$1400

The D'Arezzo's included one-page print-outs of property-record cards from the Delaware County Assessors website for the comparables. There is no additional information available in the D'Arezzo's evidence or on the property record cards to determine if these properties are indeed comparable to the subject property. Two of the properties, Comparable 1 and Comparable 3, are noted on the print-outs as being "salvage." It is unknown what this term refers too, although we assume it is

¹ The original letter references the January 1, 2010, assessed value of \$6900 which was subsequently reduced by the Board of Review to \$6500.

in regard to the condition and value of the improvements. Comparable 2 is noted as manufactured home (single wide) similar to the subject property. However, no other information is known about this property such as if it offers similar quality, condition, or amenities. Lastly, the D'Arezzo's did not provide the market value of the three comparables to develop a ratio analysis.

Due to a lack of information about the properties submitted as equity comparables, as well as the lack of a ratio analysis, we give this information little consideration.

The Board of Review did not offer any evidence disputing the D'Arezzos claim or supporting the assessment.

Based on the foregoing, we find insufficient evidence has been provided to demonstrate the subject is inequitably assessed.

Conclusions of Law

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shriver*, 257 Iowa 575, 133 N.W.2d 709 (1965). The six criteria include evidence showing

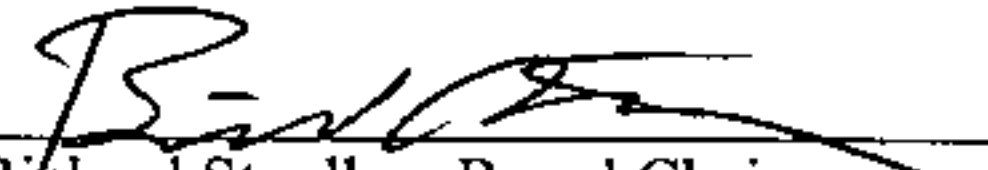
(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the actual valuations of the similar and comparable properties, thus creating a discrimination.

Id. at 579-580. The gist of this test is ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1). The D'Arezzos evidence of inequity was incomplete and did not demonstrate a disparity between the subject property assessment and the assessments of other like properties. In this case, evidence did not show the property was inequitably assessed using either method.

THE APPEAL BOARD ORDERS the assessment of Richard and Susan D'Arezzos property located at 26315 232nd Avenue, Delhi, Iowa, as of January 1, 2010, set by Delaware County Board of Review, is affirmed.

Dated this 16 day of August, 2011


Karen Oberman, Presiding Officer


Richard Stradley, Board Chair


Jacqueline Rypma, Board Member

Cc:

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>8-16</u> , 2011	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	